

**Notice of Allowability**

Application No.

09/437,590

Applicant(s)

CANDELORE, BRANT L.

Examiner

John M Winter

Art Unit

3621

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to The paper filed on 7 March 2005.
2. ☒ The allowed claim(s) is/are 77-95,97-100 and 102-104.
3. ☒ The drawings filed on 09 November 1999 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
  - \* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

Art Unit: 3621

## **DETAILED ACTION**

### ***Status***

Claims 77-95, 97-100 and 102-104 are pending.

### ***Response to Amendment***

The Applicants amendment filed on March 7, 2005 had been fully considered.

### ***Allowable Subject Matter***

Claims 77-95, 97-100 and 102-104 are allowed over the prior art record.

1. The following is an examiner's statement of reasons for allowance:
2. The closest prior art of record Hirose (US Patent 5,917,915) teaches a method for scrambling and descrambling broadcast data. Padmanabhan (JP 2003330897) teaches a multicasting restricted bt time frame for future delivery. Benini (Energy Efficient Data Scrambling on Memory Processor Interfaces) teaches a secure crypto processor.

What they fail to teach or suggest:

A. A copy management method for controlling storage and reproduction of digital content comprising: receiving a digital bitstream including program data, the program data including system information and the digital content in a scrambled format; descrambling the digital content in the scrambled format to provide a fast output including the digital content in a descrambled format; concurrently outputting the first output including the digital content in the descrambled format for display and a second output including the digital content in the scrambled format along with at least one access requirement for storage; retrieving the stored digital content and the stored- access requirement; and descrambling the stored digital content using the stored access requirement,

These distinct features renders claim 77 allowable.

B. A copy management method for controlling storage and reproduction of digital content comprising: receiving a digital bitstream including program data, the program data including the digital content in a scrambled format; descrambling the digital content in the scrambled format to provide a first output including the digital content in a descrambled format; encoding a second output with at least one copy management command; and concurrently outputting the first output including the digital content in the descrambled format for display and the second output including the digital content in the scrambled format for storage.

These distinct features renders claim 78 allowable.

Art Unit: 3621

Claims 79-83 are dependant upon claim 78 and have all of the limitations of claim 78, and are allowable for the same reasons

C. A copy management method for controlling storage and reproduction of digital content comprising: receiving a digital bitstream including program data, the program data including system information and the digital content in a scrambled format; descrambling the digital content in the scrambled format to provide a first output including the digital content in a descrambled format, comprising recovering a packet identifier (PID) from the program data, the PID indicating where an entitlement control message (ECM) may be found in the program data, and transmitting the PID to a conditional access unit; receiving a digital bitstream including program data including system information and the digital content in a scrambled format, the receiving of the digital bitstream comprises tuning a tuner to a frequency to receive the digital bitstream, demodulating the digital bitstream, and muting the program data of the digital bitstream to the conditional access unit upon determination that the program data includes the digital content in the scrambled format; descrambling the digital content in the scrambled format to provide a first output including the digital content in a descrambled format; and concurrently outputting the first output including the digital content in the descrambled format for display and a second output including the digital content in the scrambled format for storage.

These distinct features renders claim 84 allowable.

Claim 85 is dependant upon claim 84 and have all of the limitations of claim 84, and is allowable for the same reasons

D. A copy management method for controlling storage and reproduction of digital content comprising: receiving a digital bitstream including program data, the program data including system information and the digital content in a scrambled format descrambling of the digital content in the scrambled format comprising: extracting an entitlement control message (ECM) from the program data, the ECM being used to derive a key for descrambling the digital content in the scrambled format; and transmitting the ECM to a conditional access unit; receiving a digital bitstream including program data including system information and the digital content in a scrambled format, the receiving of the digital bitstream comprises tuning a tuner to a frequency to receive the digital bitstream, demodulating the digital bitstream, and routing the program data of the digital bitstream to the conditional access unit upon determination that the program data includes the digital content in the scrambled format; descrambling the digital content in the scrambled format to provide a first output including the digital content in a descrambled format; and concurrently outputting the first output including the digital content in the descrambled format for display and a second output including the digital content in the scrambled format for storage.

These distinct features renders claim 86 allowable.

E. A copy management apparatus for controlling the recording and reproduction of digital content comprising: a tuner to receive a digital bitstream including scrambled program data, the scrambled program data including the digital content in a scrambled format; a processor

Art Unit: 3621

to select a frequency for the tuner for receiving the digital bitstream and to transmit a packet identifier (PID); and a conditional access unit to receive the PID from the processor, the PID identifying where an entitlement control message (ECM) is located in the program data and to derive a key using the PID for descrambling the digital content of the scrambled program data.

These distinct features renders claim 87 allowable.

Claims 88-95, 103 and 104 are dependant upon claim 87 and have all of the limitations of claim 87, and are allowable for the same reasons

Claim 102. (Previously Presented) A copy management apparatus for controlling recording and reproduction of digital content comprising: means for receiving a digital bitstream including program data in a scrambled format, the program data comprises the digital content in a first scrambled format; means for recovering control information from the program data; means for demodulating the digital bitstream and to transmit the program data in the first scrambled format if the program data includes the digital content in the first scrambled format; means for descrambling the digital content in the first scrambled format upon receipt from the means for demodulating based on the control information for display and concurrently re-scrambling the digital content in a second scrambled format; and means for encoding the program data that comprises the digital content in the second scrambled format prior to storage.

These distinct features renders claim 102 allowable.

Claims 97-100 are dependant upon claim 102 and have all of the limitations of claim 102, and are allowable for the same reasons

### ***Conclusion***

Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the examiner should be directed to John Winter whose telephone number is (571) 272-6713. The Examiner can normally be reached on Monday-Friday, 9:30am-5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, James Trammell can be reached at (571) 272-6712. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). Any response to this action should be mailed to:

**Commissioner of Patents and Trademarks**

**Washington, D.C. 20231**

or faxed to:

Art Unit: 3621

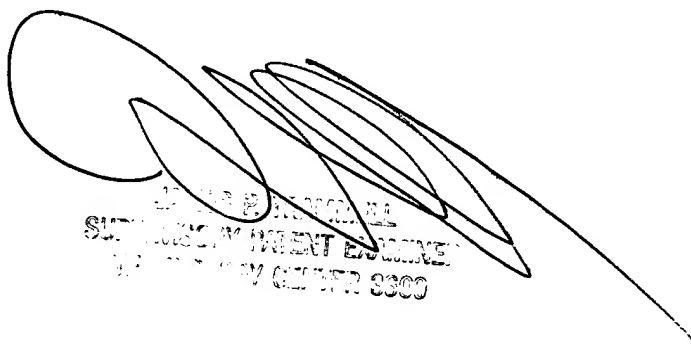
(703) 305-7687 [Official communications; including After Final communications labeled "Box AF"]

(703) 308-1396 [Informal/Draft communications, labeled "PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to the Examiner in the Knox Building, 50 Dulany St. Alexandria, VA.

JMW

September 5, 2005



A handwritten signature in black ink is written over a circular stamp. The stamp contains the following text: "UNITED STATES PATENT AND TRADEMARK OFFICE", "WASHINGTON, DC 20590", and "SEP 5 2005".